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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,878	01/17/2001	Takahiko Kawashima	826.1664	4982
21171	7590	07/03/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ZURITA, JAMES H	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/760,878	Applicant(s) KAWASHIMA ET AL.	
	Examiner James H. Zurita	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/06/07 and 04/09/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Appeal Brief

In view of the Appeal Brief filed on 02 February 2007, and to consider the Information Disclosure Statements filed on that date, PROSECUTION IS HEREBY REOPENED. New Grounds of Rejection are set forth below.


To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claims 1-2 and 4-14 are pending.


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600
Acting SPE
3625

Response to Arguments

Applicant's arguments filed 2 February 2007 have been fully considered. The Examiner will take this opportunity to further explain the cited reference and the interpretation of applicants' claims in view of the disclosures.

Rejections under 35 USC 112 are withdrawn in view of explanations and their effect.

Applicant argues that the Examiner errs in interpreting the claims as having no support for extracting structure data such as ***XML tags, metadata***. Applicant cites alleged support from paragraphs 0033, 0034, 0050 and 0058 of his amended specifications of 29 March 2005.

In response to applicant's arguments, There is no mention of "...structure data..." and is not defined. The term is given its broadest reasonable interpretation to refer to XML tags, metadata, as in Fig. 6. This interpretation is supported by Applicant's arguments concerning interpretation by one of ordinary skill in the art. Transaction slip data is interpreted as referring to an XML document. The Examiner makes this interpretation based on applicant's Fig. 2 (prior art). Extracting structure data is interpreted as extracting XML tags from an XML document.

Information Disclosure Statement

The information disclosure statement filed 6 April 2007 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

There is no explanation of the relevancy of various references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US 6,584,459).

Chang discloses an EDI/XML environment that manages documents containing data (applicant's transaction slip data documents) in electronic commerce, with database devices.

As per claims 1, 6, 7 and 11, Chang discloses:

- ***extracting*** structure data as a search item of the transaction slip data document therefrom. See, for example, at least Col. 20, lines 1-50. For transaction detail information extracted, see, for example, at least Col. 5, line 50-Col.6, line 15. Detail transaction data includes price, publication date, for example.
- ***storing*** the structure data extracted as management data in correlation with the transaction data; see, for example, management data, such as publisher, as in Col.5, lines 17-45.
- ***searching*** the management data so as to extract correlated transaction slip data. See at least Col. 7, lines 45-67.
- ***transmitting*** the transaction slip data extracted [in the search step] over a network. See at least sending results to interfaces, at least Col. 6, line 17-line 45.

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- **receiving** the transmitted slip data. See, for example, at least Figs. 1, 2 and related text, and references to various units that receive transmitted detail data.
- **converting** a first format of the received transaction slip data into a second format based on a transmission destination (see, for example, converting and storing formats according to destination such as internal and external targets, as in Col. 7, lines 53-67)

Chang **does not** specifically disclose that the first format of the received transaction slip data is usable by an order issuer (buyer) and the second format based on a transmission destination is usable by an order acceptor (seller) in an electronic business transaction between the order issuer and order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor. Chang discloses a relational facility that allows users to define new and distinct data types and subtypes, according to user expectations. See, for example, at least Col.7, lines 38-54.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Chang to disclose that the first format of the received transaction slip data is usable by an order issuer (buyer) and the second format based on a transmission destination is usable by an order acceptor (seller) in an electronic business transaction between the order issuer and order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor.

One of ordinary skill in the art at the time the invention was made would have been motivated to extend Chang to disclose that the first format of the received transaction slip data is usable by an order issuer (buyer) and the second format based

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on a transmission destination is usable by an order acceptor (seller) in an electronic business transaction between the order issuer and order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor for the obvious reason that there is a need to manage an abundance of XML documents, and a need for a product that understands document structures and allows a user to store, search using structure queries and retrieve XML documents and their data within a database system. See, for example, Fig. 2, DB2 XML extender, which converts data to and from formats used by other systems and parties.

As per claim 2, Chang discloses that correlation between data is managed with a key that is common. See, for example, at least references to DocId, Index, Key, RID, at least Fig. 4, 6, 12-13 and related text. See also at least Col. 19, line 1- Col. 20, line 50. See also references to primary keys, foreign keys, DTDId, and other keys that correlate data among the various data objects, at least Col. 13, line 1-Col. 15, line 48.

As per claim 4 Chang discloses that users are allowed to define new searches for retrieval of XML documents. See, for example, Col. 6, lines 19-45.

As per claim 5, Chang discloses

- that the document containing transaction data is an XML document. See, for example, at least Col. 2, line 18-Col. 3, line 24, Col. 3, line 47-Col. 4, line 18, Figs. 3, 8, 9 and related text.
- that users are allowed to define new searches for retrieval of XML documents. See, for example, at least Col. 6, lines 38-45, Col. 7, line 54-Col. 8, line 3. As per claims 5, 10 and 14, a user may alter targets of a search by changing a search

query according to particular tags found in XML documents, such as an author tag in XML document of Col. 5 that is used as a search parameter in the query found in Col. 20.

Claim 6 is rejected on the same grounds as claim 1.

Claim 7 is rejected on the same grounds as claim 1.

As per Claim 8, Chang discloses changing the structure data of a document to be considered including the management data. Chang discloses that users may define new searches by changing search parameters such as management data. See, for example, at least Col. 6, lines 38-45, Col. 7, line 54-Col. 8, line 3.

Claim 9 is rejected on the same grounds as claim 5.

Claim 10 is rejected on the same grounds as claim 5.

Claim 11 is rejected on the same grounds as claim 1.

Claim 12 is rejected on the same grounds as claim 8.

Claim 13 is rejected on the same grounds as claim 5.

Claim 14 is rejected on the same grounds as claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
24 June 2007



JAMES ZURITA
PRIMARY EXAMINER